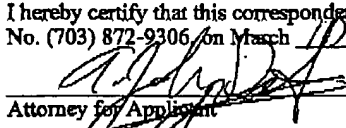


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Attorney for Applicant

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PATENT**Docket No. 1785.2.2****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED
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Applicant: David C. Taylor

Serial No.: 09/631,265

Filed: August 2, 2000

For: USER-CONTEXT
ANALYSIS ENGINE

Examiner: Srirama Channavajjala

) Art Unit:
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)**AMENDED APPEAL BRIEF**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA, 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed February 23, 2005, Applicant respectfully submits the present Amended Appeal Brief, which appeals the rejection of the claims of the above-identified patent application and requests reconsideration of the claims in view of the following remarks.

I. REAL PARTY IN INTEREST

David C. Taylor (hereinafter "Appellant") is the Real Party in Interest as the sole owner of the new technology embodied in the above-identified patent application.

II. RELATED APPEALS AND INTERFERENCES

To the knowledge of Appellant and his legal counsel, there are no pending appeals or interferences that will directly effect or will be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-24 are currently in the case.

Claims 1-10 and 12-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,175,830 issued to Maynard (hereinafter "Maynard").

Claims 23 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,029,165 issued to Gable (hereinafter "Gable").

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Maynard in view of U.S. Patent No. 6,125,352 issued to Franklin (hereinafter "Franklin").

IV. STATUS OF AMENDMENTS

Appellant last filed an amendment to the claims of the above-identified patent application on August 12, 2003. The amendment was entered and there have been no subsequent amendments to the claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention may be embodied as an apparatus for extracting information desired by a user from a source. (Claim 1, line 1). Such an apparatus may include an input module 116, a filtering module 118, and a presentation module 122. (Specification page 8, lines 20-24, Figure 2).

The input module 116 may interface with a user to receive a request for information. (Specification page 8, line 20). The input module 116 may acquire text to describe information sought by a user in a variety of different ways. For example, a simple free form text search may be used, wherein the user types a query in plain language. Alternatively, a user may provide key words separated by operators such as "AND," "OR," "NOT," and others known in the art. The input module 116 may also be configured to refine the text through questions to be answered by a user. (Specification page 13, lines 21-25, Figure 11).

The input module 116 may transmit text 117 reflecting a search query to the filtering module 118, which may then filter information to isolate what a user is seeking. (Specification page 13, lines 13-15, Figure 11). Until processed, the text is only a series of words with no inherent meaning to a computer. The filtering module 118 may convert the text into searchable portions to find matching information of the type desired by a user. (Specification page 13, line 25 through page 14, line 3). In certain embodiments, the filtering module 118 may include a context construction module 300 for assembling micro-contexts 301 based on the text 117, a context comparison module 302 for converting the micro-contexts 301 to macro-contexts 303, and an information matching module 304 for matching the macro-contexts 303 to specific information 306 responsive to the user's query. (Specification page 13, lines 15-19, Figure 11).

The context construction module 300 may assemble the words to form small, coherent groups, or micro-contexts 301. For example, they may contain about 1 to 5 words. This is accomplished in part by using a block parser 316, which breaks down and interprets the text.

Key words 312 and their modifiers, if designated by a user, can form or define natural contexts for searching. Similarly, relative values 314 or priorities assigned to words in the text may be used by the block parser 310 to create micro-contexts 301. Occurrence patterns 316 may be used to form natural separations between groups of words. (Specification page 14, lines 5-12, Figure 12).

The presentation module 122 presents information summaries and locations to a user. (Specification page 8, lines 23-24, Figure 2). The presentation module 122 may vary the depth and breadth of specific information 306 returned according to a user's preferences. The order and arrangement of specific information 306 displayed may also be determined manually by a user or automatically by reference to the user history 318. (Specification page 16, lines 16-31, Figure 14).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The rejection of claims 1-10 and 12-22, as being unpatentable under 35 U.S.C. §102(e) over Maynard, is presented for review.

The rejection of claims 23 and 24, as being unpatentable under 35 U.S.C. §102(e) over Gable, is presented for review.

The rejection of claim 11, as being unpatentable under 35 U.S.C. §103(a) over Maynard in view of Franklin, is presented for review.

VII. ARGUMENT

Rejection of Claims 1-10, 12-22 Under 35 U.S.C. §102(e)

Claims 1-10 and 12-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Maynard. It is well established that, for a prior art reference to anticipate, every element of the claimed invention must be identically disclosed in a single prior art reference. Moreover, those

elements must be arranged or connected together in a single reference in the same way as specified in the patent claim. *Carella v. Starlight Archery & Pro Line*, 804 F.2d 135, 138 (Fed. Cir. 1986). Maynard does not disclose every element of the claimed invention. Accordingly, the rejection of claims 1-10 and 12-22 under 35 U.S.C. §102(e) as being anticipated by Maynard is improper and should not be upheld.

With respect to claims 1-10 and 12-22, Maynard does not disclose a filtering module (or anything else) for determining a micro-context relevant to the text,” as required by Appellant. The claims state that this “text” is acquired from the user. (See claim 1, line 3; claim 14, line 3; and claim 17, line 3.) That is, this “text” is the text of a query. (Specification page 13, lines 21-26). Thus, the micro-context is determined from the text of the query, not from the information being searched. In direct contrast, Maynard discloses segmenting and categorizing the information being searched. Maynard provides no analysis (*e.g.* determination of context) of the text of a query, as required by Appellant.

In asserting that Maynard anticipates claim 1-10 and 12-22, the examiner misreads the claim. This misreading is evident in the citations to Maynard that the examiner asserts anticipate Appellant’s recitation of a micro-context relevant to the text. For example, the examiner asserts that Maynard discloses a break module that divides “the information” into finite elements such as paragraphs, sections, sub-sections, segments, and the like. (Office Action mailed April 7, 2004 page 5, lines 5-8, see also Maynard column 1, lines 57-60). The examiner asserts that this anticipates “determining a micro-context relevant to the text,” as required by Appellant. However, “the information” referred to by the examiner is actually “the informational resource.” (Maynard column 1, line 57). Maynard specifically states that “the informational resource” may be a document, a number of individual documents such as Web pages, or a stream of information. (Maynard column 1, lines 41-49). Documents, Web pages, and streams of information are not queries. They are the information store being searched.

A query and the information being searched are two distinct things. While the examiner errs in confusing the two, claims 1-10 and 12-22 does not. Appellant is clear that the "text" acquired from a user (*i.e.* the query) is different from the "information" in the database. The terms "text" and "information" are both used in the claim. They were given different names because they represent different things. Claims 1-10 and 12-22 are clear that the micro-context corresponds to the "text" acquired from the user (*e.g.* acquired from the query). It does not correspond to the "information" being searched. Since Maynard provides no disclosure of determining the context of a query, it fails to anticipate Appellant's claims 1-10 and 12-22. Accordingly, Appellant respectfully requests that the rejections of claims 1-10 and 12-22 be withdrawn and that claims 1-10 and 12-22 be allowed.

Rejection of Claims 23 and 24 Under 35 U.S.C. §102(e)

Claims 23 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gable. As stated hereinabove, it is well established that for a prior art reference to anticipate, every element of the claimed invention must be identically disclosed in a single prior art reference. Moreover, those elements must be arranged or connected together in a single reference in the same way as specified in the patent claim. *Carella*, 804 F.2d at 138. Gable does not disclose every element of the claimed invention. Accordingly, the rejection of claims 23 and 24 under 35 U.S.C. §102(e) as being anticipated by Gable is improper and should not be upheld.

With respect to claim 23 and 24, Gable does not disclose "a filtering module that determines the micro-context of textual input by assembling words of the textual input into small, coherent groups to determine the meaning of the textual input," as required by Appellant. In contrast, Gable provides a profile module that "allow[s] users to choose topics or subtopics from the library of topics 36. Similarly, the user can specify or link additional contextual criteria

such as specific geographic locations, industries, or company names. The term 'topic' could encompass topics, subtopics or context associations that are listed in the library of topics 36." (Gable column 6, lines 54-60, emphasis added).

As can be seen, Gable allows a user to "choose," "specify," or "link" to topics and contexts that are "listed in the library of topics 36." That is, in Gable, the user manually chooses his or her context from a predetermined set provided in the library. Nowhere does Gable disclose any module that determines a context from a textual input (*i.e.* from a query). In that Gable fails to disclose such a module, it fails to anticipate claim 23. Accordingly, Appellant respectfully requests that the rejections of claims 23 and 24 be withdrawn and that claims 23 and 24 be allowed.

Rejection of Claim 11 Under 35 U.S.C. §103(a)

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Maynard in view of Franklin. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP 2143.) The rejection of claim 11 under 35 U.S.C. §103(a) is improper and should not be upheld because the combination of Maynard and Franklin fails to teach or suggest all of the claim's limitations

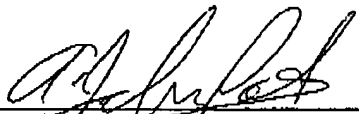
As presented hereinabove, the examiner improperly attributes to Maynard the claimed determination of query context. Maynard refers only to processing of the informational resource and fails to teach or suggest any determinations of query context based on the query content. The addition of Franklin does not teach or otherwise remedy this deficiency of Maynard.

Moreover, there is no suggestion or motivation to combine Maynard and Franklin. Accordingly, the rejection of claim 11 is improper. Appellant respectfully requests that the rejections of claim 11 be withdrawn and that claim 11 be allowed.

In view of the foregoing, Appellant asserts that neither Maynard, Gable, nor Maynard and Franklin anticipate or render obvious Appellant's claimed invention. Accordingly, Appellant respectfully requests that the rejections of claims 1-24 be withdrawn and that claims 1-24 be allowed.

DATED this 10 day of March, 2005.

Respectfully submitted,


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Attorney for Appellant

Date: March 10, 2005

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